IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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DIANE ROSETSKY	• ((41/11)	ACTION
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Plaintiff, : No. 07-cv-3167

v.

Honorable Stewart Dalzell, J.

NATIONAL BOARD OF MEDICAL : EXAMINERS OF THE UNITED STATES : OF AMERICA, INC. :

Defendant.

ORDER

AND NOW, this day of , 2007, upon

consideration of Plaintiff's Motion for Extension of Discovery, it is hereby ORDERED and DECREED that the Motion is GRANTED. The deadline for the completion of fact discovery is hereby extended to December 31, 2007, and all other pre-trial deadlines are extended by forty-five (45) days.

BY THE COURT:	
Hon. Stewart Dalzell, J.	

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIANE ROSETSKY

CIVIL ACTION

Plaintiff,

No. 07-cv-3167

v.

Honorable Stewart Dalzell, J.

NATIONAL BOARD OF MEDICAL : EXAMINERS OF THE UNITED STATES : OF AMERICA, INC. :

Defendant.

MOTION FOR EXTENSION OF DISCOVERY

Plaintiff, by and through her undersigned counsel, hereby files this Motion for Extension of Discovery, and in support thereof avers as follows:

- 1. Plaintiffs filed a Complaint in the above-captioned matter on August 2, 2007.
- 2. On September 7, 2007, this Court entered a Scheduling Order establishing November 16, 2007 as the deadline for the completion of discovery.
- 3. Both Plaintiff and Defendant have served and responded to written discovery requests.
 - 4. Plaintiff's deposition has been completed.
- 5. Plaintiff has attempted to schedule the depositions of several employees of Defendant.
- 6. Plaintiff scheduled these depositions within the discovery deadline, but Defendant's counsel was unavailable to attend.

- 7. Plaintiff now seeks an extension of discovery until December 31, 2007 in order to complete discovery.
 - 8. No prior extensions have been requested or granted.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant this Motion for Extension of Discovery and enter an Order extending the deadline for fact discovery until December 31, 2007, and all subsequent deadlines by forty-five (45) days.

Respectfully submitted,

TIMOTHY M. KOLMAN AND ASSOCIATES

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Rufus A. Jennings, Esquire Attorney for Plaintiffs 225 North Flowers Mill Road Langhorne, PA 19047

Phone: (215) 750-3134 Fax: (215) 750-3138

Email: RJennings@Kolmanlaw.net

November 14, 2007

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIANE ROSETSKY

CIVIL ACTION

Plaintiff,

No. 07-cv-3167

v.

Honorable Stewart Dalzell, J.

NATIONAL BOARD OF MEDICAL : EXAMINERS OF THE UNITED STATES : OF AMERICA, INC. :

Defendant.

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR EXTENSION OF DISCOVERY

Plaintiff, by and through her undersigned counsel, hereby aver as follows in support of her request for an extension of the fact discovery deadline:

I. Statement of Facts

Plaintiffs initiated the above-captioned matter in or about August 2, 2007 the Age Discrimination in Employment Act of 1967 and the Pennsylvania Human Relations Act. The deadline for fact discovery in this matter is set to expire on November 16, 2007. Both parties have already served and propounded written discovery. The depositions of Plaintiff has been completed. Plaintiff has tried to schedule the depositions of several employees of Defendant, but requires additional time in which to complete discovery.

II. Argument

The requested extension should be granted.

Fed.R.Civ.P. 6 states, in pertinent part, as follows:

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed

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Fed.R.Civ.P. 6(b).

Plaintiff has requested an extension of time for discovery before the expiration of the applicable period. No additional extensions have been requested or granted. In addition, Plaintiff has attempted to schedule the depositions within the discovery deadline, but Defendant's counsel was unavailable. The Court should exercise its discretion to grant this request, as it is necessary for Plaintiff to depose the necessary witnesses and prepare for trial.

III. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that her motion for extension of time be granted.

Respectfully submitted,

TIMOTHY M. KOLMAN AND ASSOCIATES

By: /s/ Rufus A. Jennings

Rufus A. Jennings, Esquire Attorney for Plaintiffs 225 North Flowers Mill Road

Langhorne, PA 19047

Phone: (215) 750-3134 Fax: (215) 750-3138

Email: RJennings@Kolmanlaw.net

November 14, 2007

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¹ Rule 6(b) provides that the Court may not extend the time for taking any action under Rules 50(b) and (c)(2) (addressing the time within which a party must make judgment as a matter of law), 52(b) (addressing amendment of the Court's findings of fact in a non-jury trial), 59(b) d), and (e) (setting forth the time within which a party may move for a new trial), and 60(b) (addressing the time to seek relief from a judgment). None of the foregoing rules apply to the instant motion.